

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DOUGLAS E. BERRY,

Petitioner,

v.

CASE NO. 2:13-cv-723
CRIM. NO. 2:05-CR-231
JUDGE FROST
MAGISTRATE JUDGE KING

UNITED STATES OF AMERICA,

Respondent.

ORDER

On July 24, 2013, the United States Magistrate Judge recommended that petitioner's July 22, 2013 *Motion to Vacate* under 28 U.S.C. § 2255 be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition. *Report and Recommendation*, Doc. No. 159. Although the parties were advised of their right to object to that recommendation and of the consequences of their failure to object, there has nevertheless been no objection.

The *Report and Recommendation*, Doc. No. 159, is **ADOPTED AND AFFIRMED**. Petitioner's July 22, 2013 *Motion to Vacate*, Doc. No. 157, is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge